

EXHIBIT B

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

MAXIMILIAN KLEIN, et al.,

Plaintiffs,

vs.

META PLATFORMS, INC.,

Defendant.

This Document Relates To: All Actions

Consolidated Case No. 3:20-cv-08570-JD

The Hon. James Donato

**CONSUMER PLAINTIFFS' RESPONSES
AND OBJECTIONS TO DEFENDANT
META PLATFORMS, INC.'S FIRST SET OF
INTERROGATORIES**

1 account or profile on all “online services”—essentially consisting of any app or website on the entire
 2 internet—that any one Consumer Plaintiff may have “used” at any one time during a now nineteen-
 3 year time period is not proportional to the needs of the case (to the extent that such an overbroad
 4 inquiry is even possible). For example, Meta’s Interrogatory would require, at least, the following:
 5 (a) inquiring of each Consumer Plaintiff on a per-plaintiff basis “all online services”—spanning all
 6 websites and apps over the entire internet—that he or she “used” at any one time during a now
 7 nineteen-year time period; (b) on a per-plaintiff basis, manually reviewing all of each Consumer
 8 Plaintiff’s communications (whether by email, text message, or other means, and to the extent
 9 reasonably available) to determine whether any other “online services” are implicated; (c) on a per-
 10 plaintiff basis, manually examining each of Consumer Plaintiffs’ devices—such as each computer
 11 and mobile device (to the extent each device is even accessible)—to determine “all” apps or websites
 12 visited or installed during a now nineteen-year time period (to the extent such information is even
 13 ascertainable); (d) manually querying each individual service implicated to determine whether
 14 Consumer Plaintiffs actually maintained “accounts or profiles” on that service, rather than having
 15 access without an account or profile, or receiving an errant communication (such as a “spam” email
 16 or text message from a service for which the Consumer Plaintiff has not actually maintained an
 17 account or profile); (e) if any one Consumer Plaintiff did maintain an “account or profile” for a
 18 given service, manually querying that service by (i) logging into each account or profile (to the
 19 extent reasonably accessible), and (ii) manually examining each page or window of the site or
 20 service to determine whether any “privacy protections or privacy practices” for that service exist;
 21 and then (f) compiling this information into an Interrogatory response.

22 Consumer Plaintiffs will meet and confer with Meta regarding the subject matters covered
 23 by this Interrogatory, as well as its scope.

24
 25 **INTERROGATORY NO. 5:**

26 If You contend that Facebook has monopoly power in any alleged relevant product market
 27 during the Relevant Time Period, describe in detail the evidentiary basis for your contention
 28 (including all documents or witnesses that support your contention), including, without limitation,

1 Facebook's market share in each relevant product market at all times in the Relevant Time Period,
 2 how the shares were calculated, and any analyses or sources upon which You base your share
 3 calculations. To the extent you intend to rely on expert testimony to support your contention, your
 4 response should so state; but your response must include all facts You are presently aware of that
 5 support your contention.

6
 7 **RESPONSE TO INTERROGATORY NO. 5:**

8 Consumer Plaintiffs object to this Interrogatory on the grounds set forth in detail above in
 9 their General Objections. Consumer Plaintiffs further object to this Interrogatory to the extent that
 10 the Interrogatory seeks information that will necessarily be the subject of expert testimony and
 11 analysis, including "Facebook's market share in reach relevant product market at all times," "how
 12 the shares were calculated, and any analyses or sources upon which" Consumer Plaintiffs "base"
 13 their "share calculations." Consumer Plaintiffs will make expert disclosures and produce their
 14 expert reports pursuant to the schedule for expert discovery set by the Court. Consumer Plaintiffs
 15 further object to this Interrogatory to the extent that the Interrogatory seeks information protected
 16 by the attorney-client privilege, common interest privilege, work product doctrine, or that is
 17 otherwise privileged or protected from discovery.

18 Consumer Plaintiffs further object to this Interrogatory on the grounds that by purporting to
 19 require that Consumer Plaintiffs "describe in detail the evidentiary basis for your *contention*,"
 20 including "all documents or witnesses that support your contention," Interrogatory No. 5 is a
 21 "contention" interrogatory. Such a contention interrogatory is premature because fact discovery is
 22 ongoing, Consumer Plaintiffs' investigation is continuing, and Meta has not yet substantially
 23 completed its production of documents in response to Consumer Plaintiffs' discovery requests. *Cf.*
 24 *In re eBay Seller Antitrust Litig.*, 2008 WL 5212170, at *2 ("contention interrogatories" regarding
 25 "market definition" were "premature at this stage of discovery," including where interrogatories
 26 sought "all facts" in support of contentions). For these reasons, "the tentative nature of any
 27 responses generated at this stage would be of questionable value to the goal of efficiently advancing
 28 the litigation." *Id.*

1 Consumer Plaintiffs will meet and confer with Meta regarding the timing of a response, the
2 subject matters covered by this Interrogatory, and the Interrogatory's scope.
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